

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF/RESPONDENT

v.

Crim. No. 07-20024

OMAR J. LINCOLN

DEFENDANT/PETITIONER

**ORDER**

Now on this 19th day of November 2010, there comes on for consideration the Amended Report and Recommendation filed herein on October 28, 2010, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 37). The parties did not file written objections.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, the 28 U.S.C. § 2255 motion (Doc. 32) is DENIED WITHOUT PREJUDICE to Defendant's right to file a motion to reduce his sentence should Congress make the Fairness in Sentencing Act of 2010 retroactive. Further, Defendant's Motion for Extension of Time to File Traverse (Doc. 35) is DENIED, and the Report and Recommendation (Doc. 36) should be terminated as rendered MOOT by the Amended Report and Recommendation (Doc. 37).

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge